

Exhibit B

Findings for Amendments to the California Green Building Standards Code

In accordance with the Health and Safety Code Sections 17958, 17958.5, and 17958.7, the City Council must make findings for each proposed local change to the provisions of the California Building Standards Code, including green building standards, to support its determination that each such local amendment is reasonably necessary based on climatic, topographical or geological conditions.

In adopting the amendments to Chapter 16.58 of the Cupertino Municipal Code pertaining to the California Green Building Standards Code, the City Council of the City of Cupertino finds as follows:

A. General Findings Related to Green Building Requirements in Cupertino

1. Green building is a “whole systems” approach to the design, construction, location, and operation of buildings and structures to help mitigate the environmental, economic and social impacts of construction, demolition and renovation of buildings and structures.
2. The Environmental Resources and Sustainability Element of the City of Cupertino’s General Plan 2000-2020 recognizes that the community’s environmental resources are fragile, invaluable and interrelated, and protecting and sustaining the City’s viable ecological communities and environmental resources will result in the protection of both the human and natural environments.
3. City of Cupertino’s General Plan 2000-2020 sets forth policies recognizing that the essential components of green building design and planning include consideration of:
 - a. Location
 - b. Site planning
 - c. Energy efficiency
 - d. Material efficiency
 - e. Water efficiency
4. The City of Cupertino previously adopted ordinances to further green building measures, including the California Green Building Standards Code,

the Landscaping Ordinance to reduce water waste, Recycling and Diversion of Construction and Demolition Waste Ordinance, and Stormwater Pollution and Prevention and Watershed Protection.

B. Findings for Local Amendments to the 2010 California Green Building Standards Code pursuant to California Health and Safety Code Section 17958.7.(16.58 of the Cupertino Municipal Code)

1. The California Health and Safety Code Section 18941.5 provides a city, county, or city and county with the authority to establish more restrictive building standards, including, but not limited to, green building standards.
2. The City of Cupertino green building standards are reasonably necessary because of local climatic, geological, or topographical conditions. In the City of Cupertino these conditions include climatic conditions related to City's location in an interior valley that requires a combination of heating and cooling requirements to maintain comfort in both residential and non-residential buildings. The green building requirements are structured to allow flexibility and discretion among design professionals in applying the criteria in order to address the varying geologic and topographic conditions present in the City.
1. The City Council authorized staff on January 19, 2010 to proceed with the development of a green building ordinance incorporating green building measures.
2. Green building is a "whole systems" approach to the design, construction, location, and operation of buildings and structures to help mitigate the environmental, economic and social impacts of construction, demolition and renovation of buildings and structures.
3. The Environmental Resources and Sustainability Element of the City of Cupertino's General Plan 2000-2020 recognizes that the community's environmental resources are fragile, invaluable and interrelated, and protecting and sustaining the City's viable ecological communities and environmental resources will result in the protection of both the human and natural environments.
4. City of Cupertino's General Plan 2000-2020 sets forth policies recognizing that the essential components of green building design and planning include consideration of:
 - a. Location
 - b. Site planning

- c. Energy efficiency
 - d. Material efficiency
 - e. Water efficiency
5. California Assembly Bill 32 (Global Warming Solutions Act of 2006, Health and Safety Code §38500 et seq.) requires actions on the part of the State and local governments to significantly reduce greenhouse gas (GHG) emissions such that statewide GHG emissions in 2020 are lowered to 1990 levels.
 6. Green building regulations further the Sustainability Principles of the General Plan involving building and land development, disposal of construction and demolition debris, storm water quality and flood protection, tree protection, water conservation, landscaping and resource conservation.
 7. Built It Green is acknowledged in promoting and defining residential green building by development of its Green Point Rated Rating System.
 8. The Green Building Certification Institute (GBCI) administers the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Rating System.
 9. Green building techniques are widespread in residential and non-residential building construction, and such techniques can impact the City's environment, greenhouse gas emissions, resource usage, energy efficiency, water usage, waste management, and the health and productivity of residents, workers and visitors over the life of the building.
 10. Requiring green building measures is necessary to achieve public health and welfare benefits to the community.

BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936
(916) 263-0916 FAX (916) 263-0959



June 12, 2013

Gary Chao, City Planner
Office of Community Development
City of Cupertino, City Hall
10300 Torre Avenue
Cupertino, CA 95014-3255

Dear Mr. Chao:

This letter is to acknowledge receipt on March 28, 2013 of the City of Cupertino submittal pertaining to Ordinance No. 12-2099 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code §18941.5 and 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the findings and the modifications or changes have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing. As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published.

In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [Health and Safety Code Section 13869.7(c)], ATTENTION: State Housing Law Program Manager, rather than the Commission. Likewise, ordinances containing energy efficiency standards may require approval from the California Energy Commission pursuant to Public Resources Code Section 25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



CUPERTINO

OFFICE OF COMMUNITY DEVELOPMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

(408) 777-3308 • FAX (408) 777-3333 • planning@cupertino.org

June 11, 2013

Jim McGowan
Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite #130
Sacramento, CA 95833-2936

**CITY OF CUPERTINO, 2010 CALIFORNIA GREEN BUILDING STANDARD CODE
ADOPTION AND LOCAL AMENMENTS – SUPPLEMENTAL LETTER**

Dear Mr. McGowan:

This letter supplements the cover letter sent to the California Building Standards Commission on March 25, 2013 (attached) regarding the amendments that the City of Cupertino has made to the California Building Standards Code, Title 24, Part 11 -2010 California Green Building Standards code.

The purpose of this letter is to clarify that the City of Cupertino's adopted Green Building Standards (Municipal Code Chapter 16.58) are established upon the State of California's CALGreen requirements for all building types impacted by the City ordinance. Any buildings not addressed by the Cupertino's Green Building Standards will be required to meet the current minimum CALGreen standards.

Please also find attached the City of Cupertino's findings for the amendments to the California Green Building Standards Code. The findings have been revised to clarify references to the California Health and Safety Code Section 18941.5 and the specific mentioning of considerations on local climatic, geological, or topographical conditions.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Chao".

Gary Chao
City Planner
City of Cupertino

Attachments: Original Letter to CBSC, Dated March 25, 2013
City of Cupertino Ordinance No. 12-2099 With Revised Findings



**COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING DIVISION**

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
(408) 777-3228 • FAX (408) 777-3333

March 25, 2013

Mr. Dave Walls
Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California, 95833

**CITY OF CUPERTINO, 2010 CALIFORNIA GREEN BUILDING STANDARD CODE
ADOPTION AND LOCAL AMENDMENTS**


Dear Mr. Walls:

The attached ordinance outlines the amendments that the City of Cupertino has made to the California Building Standards Code, Title 24, Part 11 -2010 California Green Building Standards code. On September 18, 2012, the Cupertino City Council approved Chapter 16.58 of the Municipal Code that reflects the local environmental conditions that exist in the City of Cupertino.

A copy of the Municipal Code Chapter 16.58 as adopted on September 18, 2012 is enclosed for your reference. The ordinance has been signed by the Mayor and noticed by the City Clerk to verify the adoption date. Also enclosed, is the California Energy Commission approval of the City of Cupertino amendments to the 2010 Green Building Standards Code as required by Public Resources Code.

Should you have any questions regarding the City of Cupertino's adoption process and/or the amendments, please contact me at (408) 777-3206 or Gary Chao, City Planner, at (408) 777-3247.

Sincerely,


Albert Salvador, P.E., C.B.O.
Chief Building Official
City of Cupertino

Attachments: City of Cupertino Ordinance No. 12-2099
California State Energy Resources Conservation and Development
Commission Resolution No: 13-0320-1f

RECEIVED
2013 MAR 28 A 9:56
CALIFORNIA BUILDING
STANDARDS COMMISSION

ORDINANCE NO. 12-2099

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CUPERTINO AMENDING CHAPTER 16.58 OF THE CUPERTINO MUNICIPAL CODE TO AMEND THE GREEN BUILDING STANDARDS CODE TO INCLUDE LOCAL GREEN BUILDING REQUIREMENTS

WHEREAS, the City Council authorized staff on January 19, 2010 to proceed with the development of a green building ordinance incorporating green building measures; and

WHEREAS, green building is a “whole systems” approach to the design, construction, location, and operation of buildings and structures to help mitigate the environmental, economic and social impacts of construction, demolition and renovation of buildings and structures; and

WHEREAS, the Environmental Resources and Sustainability Element of the City of Cupertino’s General Plan 2000-2020 recognizes that the community’s environmental resources are fragile, invaluable and interrelated, and protecting and sustaining the City’s viable ecological communities and environmental resources will result in the protection of both the human and natural environments; and

WHEREAS, the City of Cupertino’s General Plan 2000-2020 sets forth policies recognizing that the essential components of green building design and planning include consideration of location, site planning, energy efficiency, material efficiency and water efficiency; and

WHEREAS, the California Green Building Standards Code Section 101.7 provides that a local government may establish more stringent building standards if they are reasonably necessary due to local climactic, geologic, topographical or environmental conditions; and

WHEREAS, the City of Cupertino has already adopted ordinances to further green building measures, including the California Green Building Standards Code, the Landscaping Ordinance to reduce water waste, Recycling and Diversion of Construction and Demolition Waste Ordinance, and Stormwater Pollution and Prevention and Watershed Protection; and

WHEREAS, the City of Cupertino intends to adopt local amendments to the California Green Building Standards Code by establishing green building requirements exceeding the Mandatory Requirements of the 2010 California Green Building Standards Code; and

WHEREAS, the Planning Commission adopted Resolution No. 6615 to recommend adoption of green building measures in a green building ordinance as a result of conducting public hearings; and

WHEREAS, the City Council has determined that amending Chapter 16.58, Green Building Standards Code, is necessary to incorporate local green building requirements; and

WHEREAS, the City Council of the City of Cupertino conducted properly noticed public hearings; and

WHEREAS, adoption of the ordinance will improve the environment and is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CUPERTINO HEREBY ORDAINS AS FOLLOWS:

Section 1. Title 16 of the Cupertino Municipal Code is hereby amended by the adoption of amendments to Chapter 16.58 as set forth in Exhibit A.

Section 2. The City Council adopts the findings for local amendments to the California Green Building Standards Code, 2010 Edition, attached hereto as Exhibit B and incorporated herein by reference.

Section 3. Because this project will assure the maintenance, restoration, enhancement, or protection of the environment and does not relax the regulation of construction activities or standards allowing environmental degradation, this project is exempt from CEQA pursuant to CEQA Guidelines section 15308.

Section 4. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

Section 5. This Ordinance shall take effect and be in force on July 1, 2013 as provided by Government Code Section 36937.

Section 6. The City Clerk shall certify to the passage and adoption of this Ordinance and shall give notice of its adoption as required by law. Pursuant to Government Code Section 36933, a summary of this Ordinance may be published and posted in lieu of publication and posting of the entire text.

INTRODUCED at a regular meeting of the Cupertino City Council the 4th day of September 2012 and **ENACTED** at a regular meeting of the Cupertino City Council on this 18th of September 2012 by the following vote:

AYES: Santoro, Mahoney, Sinks, Wong
NOES: Chang
ABSENT: None
ABSTAIN: None

ATTEST:

/s/Grace Schmidt

Grace Schmidt, City Clerk

APPROVED:

/s/Mark Santoro

Mark Santoro, Mayor, City of Cupertino

THIS IS TO CERTIFY THAT THE WITHIN
INSTRUMENT IS A TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST March 25, 2013
CITY CLERK OF THE CITY OF CUPERTINO
BY Grace Schmidt
CITY CLERK

Exhibit A

City of Cupertino

CHAPTER 16.58: GREEN BUILDING STANDARDS CODE ADOPTED

16.58.010 Code Adoption.

The provisions of the 2010 California Green Building Standards Code and each and all of the regulations, provisions, conditions and terms of the code is referred to as if fully set forth in this chapter, and is by such reference adopted.

One (1) copy of the code therefore is on file in the office of the Building Official pursuant to Health and Safety Code Section 18942(d)(1) and is made available for public inspection.

16.58.015 Adoption of Appendix Chapters

No Appendix Chapters from the 2010 California Green Building Standards Code have been adopted.

16.58.040 Local Amendments

The following provisions of this Chapter shall constitute local amendments to the cross-referenced provisions of the California Green Building Standards Code, 2010 Edition, and shall be deemed to amend the cross-referenced sections of said Code with the respective provisions set forth in this Chapter.

16.58.050 Section 101.1 – Amended

Amend Section 101.1 to read as follows:

101.1 Title. These regulations shall be known as the California Green Building Standards Code as amended by the City of Cupertino and may be cited as such and will be referred to herein as “this code.” The California Green Building Standards Code as amended by the City of Cupertino is an amendment to Part 11 of 12 parts of the official compilation and publication of the adoption, amendment and repeal of building regulations to the California Code of Regulations, Title 24, also referred to as the California Building Standards Code.

16.58.070 Section 101.3 – Amended

Amend Section 101.3 to read as follows:

101.3 Scope. The provisions of this code shall apply to the planning, design, operation, construction, use and occupancy of every newly constructed building or structure, unless otherwise indicated in this code for the City of Cupertino.

The California Green Building Standards Code also is hereby amended to apply to additions, renovations and tenant improvements of privately-owned buildings and structures in accordance

with the provisions of this Chapter.

It is not the intent that this code substitute or be identified as meeting the certification requirements of any private, third party green building program.

16.58.100 Section 101.10 – Amended.

Amend Section 101.10 to read as follows:

101.10 Mandatory requirements. This code contains mandatory green building measures. In addition, this Chapter contains required minimum green building measures as amended by the City of Cupertino. All new buildings and structures, additions, renovations and tenant improvements subject to requirements in Table 101.10 shall comply with the mandatory measures of the 2010 California Green Building Standards Code as adopted by the state in addition to local amendments included in this code, regardless of height or number of stories, unless specifically exempted by this code.

16.58.110 Section 101.10.1 – Added

Add Section 101.10.1 to read as follows:

101.10.1 Project Types – as set forth in Table 101.10.

16.58.120 Section 101.10.1.1 – Added.

Add Section 101.10.1.1 to read as follows:

101.10.1.1 Residential projects – as set for in Table 101.10.

16.58.130 Section 101.10.1.1.1 – Added

Add Section 101.10.1.1.1 to read as follows:

101.10.1.1.1 Residential new construction – Equal to or less than nine (9) homes – as set forth in Table 101.10.

16.58.140 Section 101.10.1.1.2 -- Added:

Add Section 101.10.1.1.2 to read as follows:

101.10.1.1.2 Residential new construction – Greater than nine (9) homes or more – as set forth in Table 101.10.

16.58.150 Section 101.10.1.1.3 -- Added

Add Section 101.10.1.1.3 to read as follows:

101.10.1.1.3 Major multi-family residential renovations/additions – as set forth in Table 101.10. Requirements shall only apply to the area of renovation/addition.

16.58.160 Section 101.10.1.1.4 - Added

Add Section 101.10.1.1.4 to read as follows:

101.10.1.1.4 Non-residential new construction, small – as set forth in Table 101.10.

16.58.170 Section 101.10.1.1.5 – Added

Add Section 101.10.1.1.5 to read as follows:

101.10.1.1.5 Non-residential new construction, medium -- as set forth in Table 101.10.

16.58.180 Section 101.10.1.1.6 – Added

Add Section 101.10.1.1.6 to read as follows:

101.10.1.1.6 Non-residential new construction, large -- as set forth in Table 101.10.

16.58.190 Section 101.10.1.1.7 – Added

Add Section 101.10.1.1.7 to read as follows:

101.10.1.1.7 Non-residential renovations/additions, minor -- as set forth in Table 101.10. Requirements shall only apply to the scope of work of renovation/addition.

16.58.200 Section 101.10.1.1.8 – Added

Add Section 101.10.1.1.8 to read as follows:

101.10.1.1.8 Non-residential renovations/additions, major -- as set forth in Table 101.10. Requirements shall only apply to the area of renovation/addition.

16.58.210 Section 101.10.1.1.9 – Added

Add Section 101.10.1.1.9 to read as follows:

101.10.1.1.9 Mixed-Use -- as set forth in Table 101.10.

16.58.220 Table 101.10 – Added

Add Table 101.10 to read as follows:

<i>Project Type</i>	<i>Minimum Green Building Requirement</i>	<i>Required Verification</i>
A. NEW CONSTRUCTION		
Residential		
Single Family and Multi-Family homes equal to or less than 9 homes:	<ul style="list-style-type: none"> CALGreen Building Code in accordance with CALGreen's minimum thresholds. 	City Review
Single Family and Multi-Family homes greater than 9 homes:	<ul style="list-style-type: none"> GPR certified at minimum 50 points or LEED Silver or Alternate Reference Standard per Section 101.10.2 	Third Party GPR or LEED certification as applicable Alternate Reference Standard: See Section 101.10.2
Non-Residential		
Small, less than 25,000 SF:	<ul style="list-style-type: none"> CALGreen Building Code * per Chapter 5 of the California Green Building Standards Code 	City Review
Mid-size, from 25,000 to 50,000 SF:	<ul style="list-style-type: none"> LEED Certified or Alternate Reference Standard per Section 101.10.2 	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2
Large, greater than 50,000 SF:	<ul style="list-style-type: none"> LEED Silver or Alternate Reference Standard per Section 101.10.2 	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2

<i>Project Type</i>	<i>Minimum Green Building Requirement</i>	<i>Required Verification</i>
B. RENOVATIONS AND ADDITIONS		
a. Residential		
i. Single-family	<ul style="list-style-type: none"> CALGreen Building Code in accordance with CALGreen's minimum thresholds. 	City Review
ii. Multi-family (minor):	<ul style="list-style-type: none"> CALGreen Building Code in accordance with CALGreen's minimum thresholds. 	City Review
iii. Multi-family (major): Renovations and/or additions with a Floor Area Ratio (FAR) increase $\geq 50\%$ and at least 35,000 square feet, and that replace or substantially alter the HVAC system and at least two of the following: building envelope, hot water system and lighting system.	<ul style="list-style-type: none"> GPR minimum 50 pts or LEED Certified or LEED EBOM Certified or Alternate Reference Standard per Section 101.10.2 	Third Party GPR or LEED Certification as applicable Alternate Reference Standard: See Section 101.10.2
b. Non-Residential		
i. Minor: Renovations and/or additions that do not meet the higher thresholds for "major renovations and additions" outlined as defined in (ii) below.	<ul style="list-style-type: none"> CALGreen Building Code in accordance with CALGreen's minimum thresholds. 	City Review
ii. Major: Renovations and/or additions that comprise at least 35,000 square feet, and replace or substantially alter the HVAC system and two of the following: building envelope, hot water system, and lighting system.	<ul style="list-style-type: none"> LEED Certified (applicable only to the area of renovation/addition) or LEED EBOM Certified or Alternate Reference Standard per Section 	Third Party LEED Certification Alternate Reference Standard: See Section 101.10.2

<i>Project Type</i>	<i>Minimum Green Building Requirement</i>	<i>Required Verification</i>
	101.10.2	
<p>Mixed-Use</p> <p>For new and renovation/addition projects with residential and non-residential components, the use shall comply by either:</p> <ol style="list-style-type: none"> 1. Meeting the applicable requirements for each use; or 2. Meeting the applicable requirements for the use that comprises the majority of the project's square footage/where uses are attached and/or combined in a building. 		
<p>Notes:</p> <p><i>"Major" renovations and/or additions" apply only to the area of the renovation/addition unless the LEED EBOM Certified option is selected.</i></p> <p><i>*Chapter 5 of the California Green Building Standards Code (Cal Green Mandatory) requirements shall only be applied to elements included in the scope of a project, unless otherwise required by the California Green Building Standards Code.</i></p>		

16.58.230 Section 101.10.2 – Added

Add Section 101.10.2 to read as follows:

101.10.2 Alternate green building standards. The applicant may request to apply an alternate green building standard for a project in lieu of the minimum standards per Table 101.10. In making a determination in response to an application under this section, the Building Official may allow an alternate standard if he/she finds that the proposed alternative standard complies with all of the following:

- A. Addresses a comprehensive scope of green building issues including energy efficiency, water efficiency, resource efficient materials, and healthy building practices;
- B. Applies standards that are, when taken as a whole, as stringent as the GPR and LEED standards;
- C. Includes a formalized certification process that incorporates third party verification; and
- D. The project will advance the purposes of this Chapter.

16.58.240 Section 102.3 – Amended

Amend Section 102.3 to read as follows:

102.3 Verification. Documentation of conformance for applicable green building measures shall be provided to the City of Cupertino. Verification that the project meets the applicable environmental standards occurs through either the Third Party process or City Review

per the requirements in Table 101.10. The following lists the verification requirements for Third Party verification, and alternative methods:

- A. Third Party Certification. A project will be required to meet the Third Party certification process if the City determines that the project meets or exceeds the applicable thresholds listed in Table 101.10. The applicant shall submit all of the following to the City, in addition to other application requirements, to assist the City in determination compliance with the green building requirements:
 - a. Planning Application. A green building checklist that includes cross-references to appropriate locations in the construction documents for all prerequisites and selected points or credits that demonstrates that the proposed project meets the applicable minimum requirements.
 - b. Building Permit.
 - i. Proof of project registration with administrating body of the applicable reference standard, and
 - ii. A green building checklist that includes cross-references to appropriate locations in the construction documents for all prerequisites and selected points or credits; that demonstrate that the proposed project meets the applicable minimum requirements, and
 - c. Green Building Deposit. The green building deposit in an amount that may be set from time to time by resolution of the City Council. The applicant may provide the deposit in the form of cash or in any other form that the City finds acceptable to meet the purposes of this Section. The full amount of the deposit shall be returned upon the certification document being provided per 102.3 (A)(c). If however, the project does not meet the requirements of this Chapter, as applied to the project, then the City shall retain the full amount of the deposit, and shall use the deposit solely to advance the purposes of this Chapter.
 - d. Time Limit. Within 18 months of Final Occupancy – Provide certification document for LEED, GPR or alternate rating standard in a form accepted by the City per Table 101.10. The Building Official may grant a one-time 6-month extension.

16.58.260 Section 102.3.1 – Added

Added Section 102.3.1 to read as follows:

102.3.1 Exemptions. The Building Official shall determine the maximum feasible threshold of compliance reasonably achievable for the project. Projects that are exempted from the requirements of the California Green Building Standards Code as amended by the City of Cupertino shall meet the requirement in section A and at least one of the requirements in sections B-D:

- A. Projects that demonstrate that it is not feasible for the project to fully meet the green building requirements and that the purposes of this chapter will have been achieved to

the maximum extent possible shall be exempted only for the specific rating system prerequisite that has been determined to be infeasible.

- B. Projects that demonstrate compliance with this code but which will conflict with the Cupertino General Plan and/or Municipal Code Ordinance, such as those requiring historic preservation as determined by the Director of Community Development; or
- C. Projects that demonstrate compliance with this code but which will conflict with the California Building Standards Code; or
- D. Projects with atypical energy-related design requirements and/or patterns of use that make compliance with the thresholds of this code infeasible.

16.58.280 Section 202 – Amended

Amend Section 202 to add or amend the following definitions:

- A. “Building Envelope” means the separation between the interior and the exterior environments of a building in order to provide structural integrity, moisture control, temperature control, and air pressure control. The principal physical components of the building envelope include the foundation, roof, walls, and windows.
- B. “Decision maker” means the person or entity with final approval authority over the underlying project.
- C. “Green Building Checklist” means a checklist, typically with prerequisites and credits and/or points that is developed by the administrators of green building certification systems and used to determine whether a development project can achieve certification.
- D. “Green Point Rated (GPR)” means a residential green building rating system developed by Build It Green. Projects can use any of the adopted GPR checklists that most appropriately apply to the project type proposed.
- E. “Leadership in Energy and Environmental Design (LEED)” means a green building rating system developed by the U.S. Green Building Council for residential and non-residential projects. Projects can use any of the adopted LEED checklists that most appropriately apply to the project type proposed.
- F. “Minimum Green Building Requirement” means the minimum green building requirement that applies to a particular project, as listed in column 2 of Table 101.10.
- G. “Required Verification” means the standards that correspond to the requirements of a particular green building rating system and project type, as listed in column 3 of Table 101.10, for which verification procedures are fully set forth in Section 102.3.
- H. “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

16.58.290 Section 303.1.1 -- Amended

Amend Section 103.1.1 to read as follows:

303.1.1 Tenant improvements. The provisions of this code shall apply to the applicable tenant or occupant improvements to a project.

16.58.300 Section 4.304.1.1 – Added

Add Section 4.304.1.1 to read as follows:

4.304.1.1 Compliance with local water-efficient landscape ordinance. Residential projects must comply with the City of Cupertino's Landscape Ordinance, pursuant to Chapter 14.15 of the Cupertino Municipal Code.

16.58.310 Section 5.304.1.1 – Added

Add Section 5.304.1.1 to read as follows:

5.304.1.1 Compliance with local water-efficient landscape ordinance. Non-residential projects must comply with the City of Cupertino's Landscape Ordinance, pursuant to Chapter 14.15 of the Cupertino Municipal Code.

Exhibit B

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In accordance with the Health and Safety Code Sections 17958, 17958.5, and 17958.7, the City Council must make findings for each proposed local change to the provisions of the California Building Standards Code, including green building standards, to support its determination that each such local amendment is reasonably necessary based on climatic, topographical or geological conditions.

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1. Green building is a “whole systems” approach to the design, construction, location, and operation of buildings and structures to help mitigate the environmental, economic and social impacts of construction, demolition and renovation of buildings and structures.
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 - a. Location
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1. The City Council authorized staff on January 19, 2010 to proceed with the development of a green building ordinance incorporating green building measures.
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 - b. Site planning
 - c. Energy efficiency
 - d. Material efficiency
 - e. Water efficiency
5. California Assembly Bill 32 (Global Warming Solutions Act of 2006, Health and Safety Code §38500 et seq.) requires actions on the part of the State and local governments to significantly reduce greenhouse gas (GHG) emissions such that statewide GHG emissions in 2020 are lowered to 1990 levels.
6. Green building regulations further the Sustainability Principles of the General Plan involving building and land development, disposal of construction and demolition debris, storm water quality and flood protection, tree protection, water conservation, landscaping and resource conservation.
7. Built It Green is acknowledged in promoting and defining residential green building by development of its Green Point Rated Rating System.
8. The Green Building Certification Institute (GBCI) administers the U.S. Green Building Council’s LEED (Leadership in Energy and Environmental Design) Rating System.

9. Green building techniques are widespread in residential and non-residential building construction, and such techniques can impact the City's environment, greenhouse gas emissions, resource usage, energy efficiency, water usage, waste management, and the health and productivity of residents, workers and visitors over the life of the building.
10. Requiring green building measures is necessary to achieve public health and welfare benefits to the community.

**STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

RESOLUTION: California Energy Commission approval of the City of Cupertino's locally adopted building energy standards to require greater energy efficiency than the *2008 Building Energy Efficiency Standards*.

WHEREAS, the City of Cupertino has submitted an application to the Energy Commission for approval of a local ordinance with energy efficiency requirements meeting or exceeding those required by the *2008 Building Energy Efficiency Standards*; and

WHEREAS, Public Resources Code Section 25402.1(h)(2) and Title 24, Part 1, Section 10-106 establish a process for local governments to apply to the Energy Commission for approval to adopt new versions of Building Energy Efficiency Standards that require additional energy efficiency measures or set more stringent energy budgets; and

WHEREAS, the City of Cupertino submitted an application to the Energy Commission that meets all of the documentation requirements pursuant to Public Resources Code Section 25402.1(h)(2) and Section 10-106; and

WHEREAS, the City of Cupertino has made a written commitment to actively enforce compliance both with the locally adopted energy standards and the *2008 Building Energy Efficiency Standards*; and

WHEREAS, the Energy Commission commends the City of Cupertino for seeking to achieve additional energy demand reductions, energy savings and other benefits exceeding those of the *2008 Building Energy Efficiency Standards*;

THEREFORE BE IT RESOLVED, that on March 20, 2013 the Energy Commission approves the City of Cupertino's locally adopted energy standards, and that these local standards may be enforced by the City of Cupertino.

CERTIFICATION

The undersigned Secretary to the Commission does hereby certify that the foregoing is a full, true and correct copy of a Resolution duly and regularly adopted at a meeting of the California Energy Commission held on March 20, 2013.

AYE: Weisenmiller, Douglas, McAllister, Hochschild

NAY: None

ABSENT: None

ABSTAIN: None


HARRIET KALLEMEYN, Secretariat